

1 **CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Keith Grover**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **Committee Note:**

9 The Government Operations and Political Subdivisions Interim Committee
10 recommended this bill.

11 **General Description:**

12 This bill amends provisions in Title 20A, Election Code, that are related to campaign
13 and financial reporting.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ defines terms;
- 17 ▶ requires a county political party to file financial statements;
- 18 ▶ requires a political party to file a statement of dissolution;
- 19 ▶ amends provisions regarding candidate disqualification for failure to file an interim
20 report;
- 21 ▶ requires a political issue committee to file a financial disclosure report as of five
22 days before the report is due;
- 23 ▶ amends a provision related to legal costs as campaign expenditures;
- 24 ▶ amends a provision relating to a corporation reporting a contract with the state; and
- 25 ▶ makes technical changes.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **20A-1-611**, as enacted by Laws of Utah 1993, Chapter 1

33 **20A-8-402**, as last amended by Laws of Utah 1999, Chapter 49

34 **20A-11-101**, as last amended by Laws of Utah 2010, Chapters 197, 246, and 389

35 **20A-11-103**, as last amended by Laws of Utah 2010, Chapter 389

36 **20A-11-206**, as last amended by Laws of Utah 2010, Chapter 389

37 **20A-11-305**, as last amended by Laws of Utah 2010, Chapter 389

38 **20A-11-701**, as last amended by Laws of Utah 2010, Chapters 235 and 389

39 **20A-11-802**, as last amended by Laws of Utah 2010, Chapters 235 and 389

40 **20A-11-901**, as last amended by Laws of Utah 2010, Chapter 389

41 **20A-11-1001**, as last amended by Laws of Utah 2010, Chapter 389

42 ~~¶ → [**20A-11-1301**, as last amended by Laws of Utah 2010, Chapters 246 and 389] ← ¶~~

43 **20A-11-1305**, as last amended by Laws of Utah 2010, Chapter 389

44 **20A-11-1503**, as enacted by Laws of Utah 2010, Chapter 389

45 **20A-12-303**, as last amended by Laws of Utah 2010, Chapter 389

46 **20A-12-305**, as last amended by Laws of Utah 2010, Chapter 389

47 ENACTS:

48 **20A-11-509**, Utah Code Annotated 1953

49 **20A-11-510**, Utah Code Annotated 1953

50 **20A-11-511**, Utah Code Annotated 1953

51 **20A-11-512**, Utah Code Annotated 1953



53 *Be it enacted by the Legislature of the state of Utah:*

54 Section 1. Section **20A-1-611** is amended to read:

55 **20A-1-611. Cost of defense of action.**

56 [(+)] Nothing contained in this chapter prevents any candidate from employing counsel
57 to represent him in any action or proceeding affecting his rights as a candidate or from paying
58 all costs and disbursements arising from that representation.

59 ~~[(2) Expenses paid or incurred for that representation may not be considered part of the~~
60 ~~campaign expenses of any candidate.]~~

61 Section 2. Section **20A-8-402** is amended to read:

62 **20A-8-402. Political party officers -- Submission of officers to the lieutenant**
63 **governor.**

64 (1) Each state political party shall:

65 (a) designate a party officer to act as liaison with the lieutenant governor's office; and

66 (b) within seven days of any change in the party liaison, submit the name of the new
67 liaison to the lieutenant governor.

68 (2) Each state political party and each county political party shall:

69 (a) submit the ~~[names of its officers]~~ name, address, and phone number of each officer
70 to the lieutenant governor within seven days after the officers are selected; and

71 (b) within seven days of any change in party officers, submit the ~~[names of the new~~
72 ~~officers]~~ name, address, and phone number of each new officer to the lieutenant governor.

73 Section 3. Section **20A-11-101** is amended to read:

74 **20A-11-101. Definitions.**

75 As used in this chapter:

76 (1) "Address" means the number and street where an individual resides or where a
77 reporting entity has its principal office.

78 (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional
79 amendments, and any other ballot propositions submitted to the voters that are authorized by
80 the Utah Code Annotated 1953.

81 (3) "Candidate" means any person who:

82 (a) files a declaration of candidacy for a public office; or

83 (b) receives contributions, makes expenditures, or gives consent for any other person to
84 receive contributions or make expenditures to bring about the person's nomination or election
85 to a public office.

86 (4) "Chief election officer" means:

87 (a) the lieutenant governor for state office candidates, legislative office candidates,
88 officeholders, political parties, political action committees, corporations, political issues
89 committees, state school board candidates, judges, and labor organizations, as defined in

90 Section 20A-11-1501; and

91 (b) the county clerk for local school board candidates.

92 (5) (a) "Contribution" means any of the following when done for political purposes:

93 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
94 value given to the filing entity;

95 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
96 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
97 anything of value to the filing entity;

98 (iii) any transfer of funds from another reporting entity to the filing entity;

99 (iv) compensation paid by any person or reporting entity other than the filing entity for
100 personal services provided without charge to the filing entity;

101 (v) remuneration from:

102 (A) any organization or its directly affiliated organization that has a registered lobbyist;

103 or

104 (B) any agency or subdivision of the state, including school districts; and

105 (vi) goods or services provided to or for the benefit of the filing entity at less than fair
106 market value.

107 (b) "Contribution" does not include:

108 (i) services provided without compensation by individuals volunteering a portion or all
109 of their time on behalf of the filing entity;

110 (ii) money lent to the filing entity by a financial institution in the ordinary course of
111 business; or

112 (iii) goods or services provided for the benefit of a candidate or political party at less
113 than fair market value that are not authorized by or coordinated with the candidate or political
114 party.

115 (6) "Coordinated with" means that goods or services provided for the benefit of a
116 candidate or political party are provided:

117 (a) with the candidate's or political party's prior knowledge, if the candidate or political
118 party does not object;

119 (b) by agreement with the candidate or political party;

120 (c) in coordination with the candidate or political party; or

121 (d) using official logos, slogans, and similar elements belonging to a candidate or
122 political party.

123 (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
124 organization that is registered as a corporation or is authorized to do business in a state and
125 makes any expenditure from corporate funds for:

126 (i) the purpose of expressly advocating for political purposes; or

127 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
128 proposition.

129 (b) "Corporation" does not mean:

130 (i) a business organization's political action committee or political issues committee; or

131 (ii) a business entity organized as a partnership or a sole proprietorship.

132 (8) "County political party" means, for each registered political party, all of the persons
133 within a single county who, under definitions established by the political party, are members of
134 the registered political party.

135 (9) "County political party officer" means a person whose name is required to be
136 submitted by a county political party to the lieutenant governor in accordance with Section
137 20A-8-402.

138 [~~8~~] (10) "Detailed listing" means:

139 (a) for each contribution or public service assistance:

140 (i) the name and address of the individual or source making the contribution or public
141 service assistance;

142 (ii) the amount or value of the contribution or public service assistance; and

143 (iii) the date the contribution or public service assistance was made; and

144 (b) for each expenditure:

145 (i) the amount of the expenditure;

146 (ii) the person or entity to whom it was disbursed;

147 (iii) the specific purpose, item, or service acquired by the expenditure; and

148 (iv) the date the expenditure was made.

149 [~~9~~] (11) "Election" means each:

150 (a) regular general election;

151 (b) regular primary election; and

152 (c) special election at which candidates are eliminated and selected.

153 [~~(10)~~] (12) "Electioneering communication" means a communication that:

154 (a) has at least a value of \$10,000;

155 (b) clearly identifies a candidate or judge; and

156 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
157 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
158 identified candidate's or judge's election date.

159 [~~(11)~~] (13) (a) "Expenditure" means:

160 (i) any disbursement from contributions, receipts, or from the separate bank account
161 required by this chapter;

162 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
163 or anything of value made for political purposes;

164 (iii) an express, legally enforceable contract, promise, or agreement to make any
165 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
166 value for political purposes;

167 (iv) compensation paid by a filing entity for personal services rendered by a person
168 without charge to a reporting entity;

169 (v) a transfer of funds between the filing entity and a candidate's personal campaign
170 committee; or

171 (vi) goods or services provided by the filing entity to or for the benefit of another
172 reporting entity for political purposes at less than fair market value.

173 (b) "Expenditure" does not include:

174 (i) services provided without compensation by individuals volunteering a portion or all
175 of their time on behalf of a reporting entity;

176 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
177 business; or

178 (iii) anything listed in Subsection [~~(11)~~] (13)(a) that is given by a reporting entity to
179 candidates for office or officeholders in states other than Utah.

180 [~~(12)~~] (14) "Filing entity" means the reporting entity that is required to file a financial
181 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

182 [~~(13)~~] (15) "Financial statement" includes any summary report, interim report, verified

183 financial statement, or other statement disclosing contributions, expenditures, receipts,
184 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
185 Retention Elections.

186 ~~[(14)]~~ (16) "Governing board" means the individual or group of individuals that
187 determine the candidates and committees that will receive expenditures from a political action
188 committee, political party, or corporation.

189 ~~[(15)]~~ (17) "Incorporation" means the process established by Title 10, Chapter 2, Part
190 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

191 ~~[(16)]~~ (18) "Incorporation election" means the election authorized by Section 10-2-111.

192 ~~[(17)]~~ (19) "Incorporation petition" means a petition authorized by Section 10-2-109.

193 ~~[(18)]~~ (20) "Individual" means a natural person.

194 ~~[(19)]~~ (21) "Interim report" means a report identifying the contributions received and
195 expenditures made since the last report.

196 ~~[(20)]~~ (22) "Legislative office" means the office of state senator, state representative,
197 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
198 assistant whip of any party caucus in either house of the Legislature.

199 ~~[(21)]~~ (23) "Legislative office candidate" means a person who:

200 (a) files a declaration of candidacy for the office of state senator or state representative;

201 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
202 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
203 assistant whip of any party caucus in either house of the Legislature; or

204 (c) receives contributions, makes expenditures, or gives consent for any other person to
205 receive contributions or make expenditures to bring about the person's nomination or election
206 to a legislative office.

207 ~~[(22)]~~ (24) "Officeholder" means a person who holds a public office.

208 ~~[(23)]~~ (25) "Party committee" means any committee organized by or authorized by the
209 governing board of a registered political party.

210 ~~[(24)]~~ (26) "Person" means both natural and legal persons, including individuals,
211 business organizations, personal campaign committees, party committees, political action
212 committees, political issues committees, and labor organizations, as defined in Section
213 20A-11-1501.

214 [~~(25)~~] (27) "Personal campaign committee" means the committee appointed by a
215 candidate to act for the candidate as provided in this chapter.

216 [~~(26)~~] (28) "Personal use expenditure" has the same meaning as provided under Section
217 20A-11-104.

218 [~~(27)~~] (29) (a) "Political action committee" means an entity, or any group of
219 individuals or entities within or outside this state, a major purpose of which is to:

220 (i) solicit or receive contributions from any other person, group, or entity for political
221 purposes; or

222 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
223 vote for or against any candidate or person seeking election to a municipal or county office.

224 (b) "Political action committee" includes groups affiliated with a registered political
225 party but not authorized or organized by the governing board of the registered political party
226 that receive contributions or makes expenditures for political purposes.

227 (c) "Political action committee" does not mean:

228 (i) a party committee;

229 (ii) any entity that provides goods or services to a candidate or committee in the regular
230 course of its business at the same price that would be provided to the general public;

231 (iii) an individual;

232 (iv) individuals who are related and who make contributions from a joint checking
233 account;

234 (v) a corporation, except a corporation a major purpose of which is to act as a political
235 action committee; or

236 (vi) a personal campaign committee.

237 [~~(28)~~] (30) "Political convention" means a county or state political convention held by
238 a registered political party to select candidates.

239 [~~(29)~~] (31) (a) "Political issues committee" means an entity, or any group of individuals
240 or entities within or outside this state, a major purpose of which is to:

241 (i) solicit or receive donations from any other person, group, or entity to assist in
242 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
243 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

244 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a

245 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
246 proposed ballot proposition or an incorporation in an incorporation election; or

247 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
248 ballot or to assist in keeping a ballot proposition off the ballot.

249 (b) "Political issues committee" does not mean:

250 (i) a registered political party or a party committee;

251 (ii) any entity that provides goods or services to an individual or committee in the
252 regular course of its business at the same price that would be provided to the general public;

253 (iii) an individual;

254 (iv) individuals who are related and who make contributions from a joint checking
255 account; or

256 (v) a corporation, except a corporation a major purpose of which is to act as a political
257 issues committee.

258 [~~30~~] (32) (a) "Political issues contribution" means any of the following:

259 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
260 anything of value given to a political issues committee;

261 (ii) an express, legally enforceable contract, promise, or agreement to make a political
262 issues donation to influence the approval or defeat of any ballot proposition;

263 (iii) any transfer of funds received by a political issues committee from a reporting
264 entity;

265 (iv) compensation paid by another reporting entity for personal services rendered
266 without charge to a political issues committee; and

267 (v) goods or services provided to or for the benefit of a political issues committee at
268 less than fair market value.

269 (b) "Political issues contribution" does not include:

270 (i) services provided without compensation by individuals volunteering a portion or all
271 of their time on behalf of a political issues committee; or

272 (ii) money lent to a political issues committee by a financial institution in the ordinary
273 course of business.

274 [~~31~~] (33) (a) "Political issues expenditure" means any of the following:

275 (i) any payment from political issues contributions made for the purpose of influencing

276 the approval or the defeat of:

277 (A) a ballot proposition; or

278 (B) an incorporation petition or incorporation election;

279 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for

280 the express purpose of influencing the approval or the defeat of:

281 (A) a ballot proposition; or

282 (B) an incorporation petition or incorporation election;

283 (iii) an express, legally enforceable contract, promise, or agreement to make any

284 political issues expenditure;

285 (iv) compensation paid by a reporting entity for personal services rendered by a person

286 without charge to a political issues committee; or

287 (v) goods or services provided to or for the benefit of another reporting entity at less

288 than fair market value.

289 (b) "Political issues expenditure" does not include:

290 (i) services provided without compensation by individuals volunteering a portion or all

291 of their time on behalf of a political issues committee; or

292 (ii) money lent to a political issues committee by a financial institution in the ordinary

293 course of business.

294 [~~(32)~~] (34) "Political purposes" means an act done with the intent or in a way to

295 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote

296 for or against any candidate or a person seeking a municipal or county office at any caucus,

297 political convention, or election.

298 [~~(33)~~] (35) "Primary election" means any regular primary election held under the

299 election laws.

300 [~~(34)~~] (36) "Public office" means the office of governor, lieutenant governor, state

301 auditor, state treasurer, attorney general, state or local school board member, state senator, state

302 representative, speaker of the House of Representatives, president of the Senate, and the leader,

303 whip, and assistant whip of any party caucus in either house of the Legislature.

304 [~~(35)~~] (37) (a) "Public service assistance" means the following when given or provided

305 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to

306 communicate with the officeholder's constituents:

307 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
308 money or anything of value to an officeholder; or

309 (ii) goods or services provided at less than fair market value to or for the benefit of the
310 officeholder.

311 (b) "Public service assistance" does not include:

312 (i) anything provided by the state;

313 (ii) services provided without compensation by individuals volunteering a portion or all
314 of their time on behalf of an officeholder;

315 (iii) money lent to an officeholder by a financial institution in the ordinary course of
316 business;

317 (iv) news coverage or any publication by the news media; or

318 (v) any article, story, or other coverage as part of any regular publication of any
319 organization unless substantially all the publication is devoted to information about the
320 officeholder.

321 [~~36~~] (38) "Publicly identified class of individuals" means a group of 50 or more
322 individuals sharing a common occupation, interest, or association that contribute to a political
323 action committee or political issues committee and whose names can be obtained by contacting
324 the political action committee or political issues committee upon whose financial statement the
325 individuals are listed.

326 [~~37~~] (39) "Receipts" means contributions and public service assistance.

327 [~~38~~] (40) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
328 Lobbyist Disclosure and Regulation Act.

329 [~~39~~] (41) "Registered political action committee" means any political action
330 committee that is required by this chapter to file a statement of organization with the lieutenant
331 governor's office.

332 [~~40~~] (42) "Registered political issues committee" means any political issues
333 committee that is required by this chapter to file a statement of organization with the lieutenant
334 governor's office.

335 [~~41~~] (43) "Registered political party" means an organization of voters that:

336 (a) participated in the last regular general election and polled a total vote equal to 2%
337 or more of the total votes cast for all candidates for the United States House of Representatives

338 for any of its candidates for any office; or

339 (b) has complied with the petition and organizing procedures of Chapter 8, Political
340 Party Formation and Procedures.

341 [~~(42)~~] (44) (a) "Remuneration" means a payment:

342 (i) made to a legislator for the period the Legislature is in session; and

343 (ii) that is approximately equivalent to an amount a legislator would have earned
344 during the period the Legislature is in session in the legislator's ordinary course of business.

345 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

346 (i) the legislator's primary employer in the ordinary course of business; or

347 (ii) a person or entity in the ordinary course of business:

348 (A) because of the legislator's ownership interest in the entity; or

349 (B) for services rendered by the legislator on behalf of the person or entity.

350 [~~(43)~~] (45) "Reporting entity" means a candidate, a candidate's personal campaign
351 committee, a judge, a judge's personal campaign committee, an officeholder, a party
352 committee, a political action committee, a political issues committee, a corporation, or a labor
353 organization, as defined in Section 20A-11-1501.

354 [~~(44)~~] (46) "School board office" means the office of state school board or local school
355 board.

356 [~~(45)~~] (47) (a) "Source" means the person or entity that is the legal owner of the
357 tangible or intangible asset that comprises the contribution.

358 (b) "Source" means, for political action committees and corporations, the political
359 action committee and the corporation as entities, not the contributors to the political action
360 committee or the owners or shareholders of the corporation.

361 [~~(46)~~] (48) "State office" means the offices of governor, lieutenant governor, attorney
362 general, state auditor, and state treasurer.

363 [~~(47)~~] (49) "State office candidate" means a person who:

364 (a) files a declaration of candidacy for a state office; or

365 (b) receives contributions, makes expenditures, or gives consent for any other person to
366 receive contributions or make expenditures to bring about the person's nomination or election
367 to a state office.

368 [~~(48)~~] (50) "Summary report" means the year end report containing the summary of a

369 reporting entity's contributions and expenditures.

370 [~~(49)~~] (51) "Supervisory board" means the individual or group of individuals that
371 allocate expenditures from a political issues committee.

372 Section 4. Section **20A-11-103** is amended to read:

373 **20A-11-103. Notice of pending interim and summary reports -- Form of**
374 **submission -- Public availability.**

375 (1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or
376 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections,
377 the chief election officer shall inform the filing entity by postal mail or, if requested by the
378 filing entity, by electronic mail:

- 379 (i) that the financial statement is due;
380 (ii) of the date that the financial statement is due; and
381 (iii) of the penalty for failing to file the financial statement.

382 (b) Notwithstanding the provisions of Subsection (1)(a), under this section the chief
383 election officer is not required to provide notice:

- 384 (i) to a candidate or political party of the financial statement that is due before the
385 candidate's or political party's political convention;
386 (ii) of a financial statement due in connection with a public hearing for an initiative
387 under the requirements of Section 20A-7-204.1; or
388 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

389 (2) A filing entity shall electronically file a financial statement via electronic mail or
390 the Internet according to specifications established by the chief election officer.

391 (3) A financial statement is considered timely filed if it is received by the chief election
392 officer's office before the close of regular office hours on the date that it is due.

393 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
394 Access and Management Act, the lieutenant governor shall:

395 (a) make each campaign finance statement filed by a candidate available for public
396 inspection and copying no later than one business day after the statement is filed; and

397 (b) post an electronic copy or the contents of each financial statement in a searchable
398 format on a website established by the lieutenant governor:

399 (i) for campaign finance statements submitted to the lieutenant governor under the

400 requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after
401 the date of receipt of the campaign finance statement; or

402 (ii) for a summary report or interim report filed under the requirements of this chapter
403 or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the
404 date the ~~[statement]~~ summary report or interim report is electronically filed.

405 (5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5,
406 elects to provide campaign finance disclosure on its own website, rather than through the
407 lieutenant governor, the website established by the lieutenant governor shall contain a link or
408 other access point to the municipality or county website.

409 Section 5. Section **20A-11-206** is amended to read:

410 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

411 (1) (a) If a state office candidate fails to file an interim report due before the regular
412 primary election, on August 31, or before the regular general election, the lieutenant governor
413 shall, after making a reasonable attempt to discover if the report was timely filed:

414 (i) inform the county clerk and other appropriate election officials who:

415 (A) (I) shall, if practicable, remove the name of the candidate from the ballots before
416 the ballots are delivered to voters; or

417 (II) shall, if removing the candidate's name from the ballot is not practicable, inform
418 the voters by any practicable method that the candidate has been disqualified and that votes
419 cast for the candidate will not be counted; and

420 (B) may not count any votes for that candidate; and

421 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

422 (b) Any state office candidate who fails to file timely a financial statement required by
423 ~~[Section]~~ Subsection 20A-11-204(1)(b), (c), or (d) is disqualified and the vacancy on the ballot
424 may be filled as provided in Section 20A-1-501.

425 (c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not
426 disqualified and the lieutenant governor may not impose a fine if:

427 (i) the candidate timely files the reports required by this section no later than the due
428 date in accordance with Section 20A-11-103;

429 (ii) the reports are completed, detailing accurately and completely the information
430 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;

431 and

432 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
433 corrected in:

434 (A) an amended report; or

435 (B) the next scheduled report.

436 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
437 governor shall review each filed summary report to ensure that:

438 (i) each state office candidate that is required to file a summary report has filed one;

439 and

440 (ii) each summary report contains the information required by this part.

441 (b) If it appears that any state office candidate has failed to file the summary report
442 required by law, if it appears that a filed summary report does not conform to the law, or if the
443 lieutenant governor has received a written complaint alleging a violation of the law or the
444 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
445 violation or receipt of a written complaint, notify the state office candidate of the violation or
446 written complaint and direct the state office candidate to file a summary report correcting the
447 problem.

448 (c) (i) It is unlawful for any state office candidate to fail to file or amend a summary
449 report within 14 days after receiving notice from the lieutenant governor under this section.

450 (ii) Each state office candidate who violates Subsection (2)(c)(i) is guilty of a class B
451 misdemeanor.

452 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
453 attorney general.

454 Section 6. Section **20A-11-305** is amended to read:

455 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

456 (1) (a) If a legislative office candidate fails to file an interim report due before the
457 regular primary election, on August 31, or before the regular general election, the lieutenant
458 governor shall, after making a reasonable attempt to discover if the report was timely filed:

459 (i) inform the county clerk and other appropriate election officials who:

460 (A) (I) shall, if practicable, remove the name of the candidate from the ballots before
461 the ballots are delivered to voters; or

462 (II) shall, if removing the candidate's name from the ballot is not practicable, inform
463 the voters by any practicable method that the candidate has been disqualified and that votes
464 cast for the candidate will not be counted; and

465 (B) may not count any votes for that candidate; and

466 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

467 (b) Any legislative office candidate who fails to file timely a financial statement
468 required by ~~[Section]~~ Subsection 20A-11-303(1)(b), (c), or (d) is disqualified and the vacancy
469 on the ballot may be filled as provided in Section 20A-1-501.

470 (c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not
471 disqualified and the lieutenant governor may not impose a fine if:

472 (i) the candidate timely files the reports required by this section no later than the due
473 date in accordance with Section 20A-11-103;

474 (ii) the reports are completed, detailing accurately and completely the information
475 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
476 and

477 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
478 corrected in:

479 (A) an amended report; or

480 (B) the next scheduled report.

481 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
482 governor shall review each filed summary report to ensure that:

483 (i) each legislative office candidate that is required to file a summary report has filed
484 one; and

485 (ii) each summary report contains the information required by this part.

486 (b) If it appears that any legislative office candidate has failed to file the summary
487 report required by law, if it appears that a filed summary report does not conform to the law, or
488 if the lieutenant governor has received a written complaint alleging a violation of the law or the
489 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
490 violation or receipt of a written complaint, notify the legislative office candidate of the
491 violation or written complaint and direct the legislative office candidate to file a summary
492 report correcting the problem.

493 (c) (i) It is unlawful for any legislative office candidate to fail to file or amend a
494 summary report within 14 days after receiving notice from the lieutenant governor under this
495 section.

496 (ii) Each legislative office candidate who violates Subsection (2)(c)(i) is guilty of a
497 class B misdemeanor.

498 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
499 attorney general.

500 Section 7. Section **20A-11-509** is enacted to read:

501 **20A-11-509. County political party financial reporting requirements -- Year-end**
502 **summary report.**

503 (1) A county political party officer of a county political party that has received
504 contributions totaling at least \$750, or disbursed expenditures totaling at least \$50, during a
505 calendar year shall file a summary report by January 10 of the following year.

506 (2) (a) Each summary report shall include the following information as of December 31
507 of the previous year:

508 (i) the net balance of the last summary report, if any;

509 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
510 if any, filed during the previous year;

511 (iii) a single figure equal to the total amount of expenditures reported on all interim
512 reports, if any, filed during the previous year;

513 (iv) a detailed listing of each contribution and public service assistance received since
514 the last summary report that has not been reported in detail on an interim report;

515 (v) for each nonmonetary contribution, the fair market value of the contribution;

516 (vi) a detailed listing of each expenditure made since the last summary report that has
517 not been reported in detail on an interim report;

518 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

519 (viii) a net balance for the year consisting of the net balance from the last summary
520 report, if any, plus all receipts minus all expenditures.

521 (b) (i) For all individual contributions or public service assistance of \$50 or less, a
522 single aggregate figure may be reported without separate detailed listings.

523 (ii) Two or more contributions from the same source that have an aggregate total of

524 more than \$50 may not be reported in the aggregate, but shall be reported separately.

525 (c) In preparing the report, all receipts and expenditures shall be reported as of
526 December 31 of the previous year.

527 (3) The county political party officer shall certify in the summary report that, to the
528 best of the officer's knowledge, all receipts and all expenditures have been reported as of
529 December 31 of the previous year and that there are no bills or obligations outstanding and
530 unpaid except as set forth in that report.

531 Section 8. Section **20A-11-510** is enacted to read:

532 **20A-11-510. County political party financial reporting requirements -- Interim**
533 **reports.**

534 (1) (a) A county political party officer of a county political party that has received
535 contributions totaling at least \$750, or disbursed expenditures totaling at least \$50, during a
536 calendar year shall file an interim report at the following times in any year in which there is a
537 regular general election:

538 (i) seven days before the county political party's convention;

539 (ii) seven days before the regular primary election date;

540 (iii) August 31; and

541 (iv) seven days before the general election date.

542 (b) A county political party officer need not file an interim report if it received no
543 contributions or made no expenditures during the reporting period.

544 (2) Each interim report shall include the following information:

545 (a) the net balance of the last financial statement, if any;

546 (b) a single figure equal to the total amount of receipts reported on all prior interim
547 reports, if any, during the calendar year in which the interim report is due;

548 (c) a single figure equal to the total amount of expenditures reported on all prior
549 interim reports, if any, filed during the calendar year in which the interim report is due;

550 (d) a detailed listing of each contribution and public service assistance received since
551 the last summary report that has not been reported in detail on a prior interim report;

552 (e) for each nonmonetary contribution, the fair market value of the contribution;

553 (f) a detailed listing of each expenditure made since the last summary report that has
554 not been reported in detail on a prior interim report;

555 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
556 (h) a net balance for the year consisting of the net balance from the last summary
557 report, if any, plus all receipts since the last summary report minus all expenditures since the
558 last summary report; and

559 (i) a summary page in the form required by the lieutenant governor that identifies:

560 (i) beginning balance;

561 (ii) total contributions during the period since the last statement;

562 (iii) total contributions to date;

563 (iv) total expenditures during the period since the last statement; and

564 (v) total expenditures to date.

565 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
566 single aggregate figure may be reported without separate detailed listings.

567 (b) Two or more contributions from the same source that have an aggregate total of
568 more than \$50 may not be reported in the aggregate, but shall be reported separately.

569 (4) In preparing each interim report, all receipts and expenditures shall be reported as
570 of five days before the required filing date of the report.

571 Section 9. Section **20A-11-511** is enacted to read:

572 **20A-11-511. County political party -- Criminal penalties -- Fines.**

573 (1) (a) A county political party officer who fails to file the interim report due before the
574 regular primary election, on August 31, or before the regular general election is:

575 (i) subject to a fine imposed in accordance with Section 20A-11-1005; and

576 (ii) guilty of a class B misdemeanor.

577 (b) The lieutenant governor shall report all violations of Subsection (1)(a) to the
578 attorney general.

579 (2) Within 30 days after a deadline for the filing of the January 10 statement required
580 by Section 20A-11-509, the lieutenant governor shall review each filed statement to ensure
581 that:

582 (a) a county political party officer who is required to file a statement has filed one; and

583 (b) each statement contains the information required by Section 20A-11-509.

584 (3) If it appears that any county political party officer has failed to file a financial
585 statement, if it appears that a filed financial statement does not conform to the law, or if the

586 lieutenant governor has received a written complaint alleging a violation of the law or the
587 falsity of any financial statement, the lieutenant governor shall, within five days of discovery of
588 a violation or receipt of a written complaint, notify the county political party officer of the
589 violation or written complaint and direct the county political party officer to file a financial
590 statement correcting the problem.

591 (4) (a) It is unlawful for a county political party officer to fail to file or amend a
592 financial statement within 14 days after receiving notice from the lieutenant governor under
593 this section.

594 (b) A county political party officer who violates Subsection (4)(a) is guilty of a class B
595 misdemeanor.

596 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
597 attorney general.

598 Section 10. Section **20A-11-512** is enacted to read:

599 **20A-11-512. Termination of duty to report.**

600 (1) A registered political party or county political party is subject to year-end summary
601 reporting requirements until the registered political party or county political party has filed a
602 statement of dissolution with the lieutenant governor stating that:

603 (a) the political party is no longer receiving contributions and is no longer making
604 expenditures;

605 (b) the ending balance on the last summary report filed is zero; and

606 (c) a final summary report in the form required by this part showing a zero balance is
607 filed with the statement of dissolution.

608 (2) A statement of dissolution and a final summary report may be filed at any time.

609 (3) A registered political party or county political party shall continue to file the
610 year-end summary report required by this part until the statement of dissolution and final
611 summary report required by this section are filed with the lieutenant governor.

612 Section 11. Section **20A-11-701** is amended to read:

613 **20A-11-701. Campaign financial reporting by corporations -- Filing requirements**
614 **-- Statement contents.**

615 (1) (a) Each corporation that has made expenditures for political purposes that total at
616 least \$750 during a calendar year shall file a verified financial statement with the lieutenant

617 governor's office:

618 (i) on January 10, reporting expenditures as of December 31 of the previous year;

619 (ii) seven days before the regular primary election date;

620 (iii) on August 31; and

621 (iv) seven days before the regular general election date.

622 (b) The corporation shall report:

623 (i) a detailed listing of all expenditures made since the last statement;

624 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
625 expenditures as of five days before the required filing date of the financial statement; and

626 (iii) whether the corporation, including an officer[~~, director, spouse~~] of the corporation,

627 director of the corporation, or person with at least 10% ownership in the corporation:

628 (A) has bid since the last financial statement on a contract, as defined in Section
629 63G-6-103, in excess of \$100,000;

630 (B) is currently bidding on a contract, as defined in Section 63G-6-103, in excess of
631 \$100,000; or

632 (C) is a party to a contract, as defined in Section 63G-6-103, in excess of \$100,000.

633 (c) The corporation need not file a financial statement under this section if the
634 corporation made no expenditures during the reporting period.

635 (2) The financial statement shall include:

636 (a) the name and address of each reporting entity that received an expenditure from the
637 corporation, and the amount of each expenditure;

638 (b) the total amount of expenditures disbursed by the corporation; and

639 (c) a statement by the corporation's treasurer or chief financial officer certifying the
640 accuracy of the financial statement.

641 Section 12. Section **20A-11-802** is amended to read:

642 **20A-11-802. Political issues committees -- Financial reporting.**

643 (1) (a) Each registered political issues committee that has received political issues
644 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
645 \$50, during a calendar year, shall file a verified financial statement with the lieutenant
646 governor's office:

647 (i) on January 10, reporting contributions and expenditures as of December 31 of the

648 previous year;

649 (ii) seven days before the date of an incorporation election, if the political issues
650 committee has received donations or made disbursements to affect an incorporation;

651 (iii) at least three days before the first public hearing held as required by Section
652 20A-7-204.1;

653 (iv) if the political issues committee has received or expended funds in relation to an
654 initiative or referendum, at the time the initiative or referendum sponsors submit:

655 (A) the verified and certified initiative packets as required by Section 20A-7-206; or

656 (B) the signed and verified referendum packets as required by Section 20A-7-306;

657 (v) on August 31; and

658 (vi) seven days before the regular general election.

659 (b) The political issues committee shall report:

660 (i) a detailed listing of all contributions received and expenditures made since the last
661 statement; and

662 (ii) [~~for financial statements filed on August 31 and before the general election,~~] all
663 contributions and expenditures as of five days before the required filing date of the financial
664 statement, except for a financial statement filed on January 10.

665 (c) The political issues committee need not file a statement under this section if it
666 received no contributions and made no expenditures during the reporting period.

667 (2) (a) That statement shall include:

668 (i) the name and address of any individual that makes a political issues contribution to
669 the reporting political issues committee, and the amount of the political issues contribution;

670 (ii) the identification of any publicly identified class of individuals that makes a
671 political issues contribution to the reporting political issues committee, and the amount of the
672 political issues contribution;

673 (iii) the name and address of any political issues committee, group, or entity that makes
674 a political issues contribution to the reporting political issues committee, and the amount of the
675 political issues contribution;

676 (iv) the name and address of each reporting entity that makes a political issues
677 contribution to the reporting political issues committee, and the amount of the political issues
678 contribution;

679 (v) for each nonmonetary contribution, the fair market value of the contribution;
680 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
681 entity, or group of individuals or entities that received a political issues expenditure of more
682 than \$50 from the reporting political issues committee, and the amount of each political issues
683 expenditure;

684 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

685 (viii) the total amount of political issues contributions received and political issues
686 expenditures disbursed by the reporting political issues committee;

687 (ix) a statement by the political issues committee's treasurer or chief financial officer
688 certifying that, to the best of the person's knowledge, the financial statement is accurate; and

689 (x) a summary page in the form required by the lieutenant governor that identifies:

690 (A) beginning balance;

691 (B) total contributions during the period since the last statement;

692 (C) total contributions to date;

693 (D) total expenditures during the period since the last statement; and

694 (E) total expenditures to date.

695 (b) (i) Political issues contributions received by a political issues committee that have a
696 value of \$50 or less need not be reported individually, but shall be listed on the report as an
697 aggregate total.

698 (ii) Two or more political issues contributions from the same source that have an
699 aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported
700 separately.

701 (c) When reporting political issue expenditures made to circulators of initiative
702 petitions, the political issues committee:

703 (i) need only report the amount paid to each initiative petition circulator; and

704 (ii) need not report the name or address of the circulator.

705 Section 13. Section **20A-11-901** is amended to read:

706 **20A-11-901. Political advertisements -- Requirement that ads designate**
707 **responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of**
708 **endorsements.**

709 (1) (a) Whenever any person makes an expenditure for the purpose of financing an

710 advertisement expressly advocating the election or defeat of a clearly identified candidate, or
711 solicits any contribution through any broadcasting station, newspaper, magazine, outdoor
712 advertising facility, direct mailing, or any other type of general public political advertising, the
713 advertisement:

714 (i) if paid for and authorized by a candidate or the candidate's campaign committee,
715 shall clearly state that the advertisement has been paid for by the candidate or the campaign
716 committee;

717 (ii) if paid for by another person but authorized by a candidate or the candidate's
718 campaign committee, shall clearly state who paid for the advertisement and that the candidate
719 or the campaign committee authorized the advertisement; or

720 (iii) if not authorized by a candidate or his campaign committee, shall clearly state the
721 name of the person who paid for the advertisement and state that the advertisement is not
722 authorized by any candidate or candidate's committee.

723 (b) The requirements of Subsection (1)(a) do not apply to:

724 (i) lawn signs with dimensions of four by eight feet or smaller;

725 (ii) bumper stickers;

726 (iii) campaign pins, buttons, and pens; and

727 (iv) similar small items upon which the disclaimer cannot be conveniently printed.

728 (2) (a) A person who pays for an electioneering communication shall file a report with
729 the lieutenant governor within 24 hours of making the payment or entering into a contract to
730 make the payment.

731 (b) The report shall include:

732 (i) the name and [street] address of the person described in Subsection (2)(a);

733 (ii) the name and address of each person contributing at least \$100 to the person
734 described in Subsection (2)(a) for the purpose of disseminating the electioneering
735 communication;

736 (iii) the amount spent on the electioneering communication;

737 (iv) the name of the identified referenced candidate; and

738 (v) the medium used to disseminate the electioneering communication.

739 (3) A person may not, in order to promote the success of any candidate for nomination
740 or election to any public office, or in connection with any question submitted to the voters,

741 include or cause to be included the name of any person as endorser or supporter in any political
742 advertisement, circular, poster, or publication without the express consent of that person.

743 (4) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any
744 newspaper or other periodical to induce him to advocate or oppose editorially any candidate for
745 nomination or election.

746 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to
747 advocate or oppose editorially any candidate for nomination or election.

748 Section 14. Section **20A-11-1001** is amended to read:

749 **20A-11-1001. Electronic form prepared by chief election officer.**

750 The chief election officer shall:

751 (1) develop and prepare an electronic form for all financial statements required by this
752 chapter and Chapter 12, Part 2, Judicial Retention Elections; and

753 (2) provide access to the electronic form to the secretary of every committee, to every
754 candidate, and to all others who request ~~[them]~~ a form.

755 ~~H→ [Section 15. Section 20A-11-1301 is amended to read:~~

756 ~~———— 20A-11-1301. School board office candidate -- Campaign requirements:~~

757 ~~———— (1) (a) Each school board office candidate shall deposit each contribution and public~~
758 ~~service assistance received in one or more separate accounts in a financial institution that are~~
759 ~~dedicated only to that purpose:~~

760 ~~———— (b) A school board office candidate may not use money deposited in an account~~
761 ~~described in Subsection (1)(a) for:~~

762 ~~———— (i) a personal use expenditure; or~~

763 ~~———— (ii) an expenditure prohibited by law.~~

764 ~~———— (2) A school board office candidate may not deposit or mingle any contributions or~~
765 ~~public service assistance received into a personal or business account.~~

766 ~~———— (3) A school board office candidate may not make any political expenditures prohibited~~
767 ~~by law.~~

768 ~~———— (4) If a person who is no longer a school board candidate chooses not to expend the~~
769 ~~money remaining in a campaign account, the person shall continue to file the year-end~~
770 ~~summary report required by Section 20A-11-1302 until the statement of dissolution and final~~
771 ~~summary report required by Section 20A-11-1304 are filed with:~~

772 ~~—— (a) the lieutenant governor in the case of a state school board candidate; and~~
 773 ~~—— (b) the county clerk, in the case of a local school board candidate.~~
 774 ~~—— (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who~~
 775 ~~is no longer a school board candidate may not expend or transfer the money in a campaign~~
 776 ~~account in a manner that would cause the former school board candidate to recognize the~~
 777 ~~money as taxable income under federal tax law.~~
 778 ~~—— (b) A person who is no longer a school board candidate may transfer the money in a~~
 779 ~~campaign account in a manner that would cause the former school board candidate to recognize~~
 780 ~~the money as taxable income under federal tax law if the transfer is made to a campaign~~
 781 ~~account for federal office.~~
 782 ~~—— (6) (a) As used in this Subsection (6) and [Section] Sections 20A-11-1302 and~~
 783 ~~20A-11-1303, "received" means:~~
 784 ~~—— (i) for a cash contribution, that the cash is given to a school board office candidate or a~~
 785 ~~member of the candidate's personal campaign committee;~~
 786 ~~—— (ii) for a contribution that is a negotiable instrument or check, that the negotiable~~
 787 ~~instrument or check is negotiated; and~~
 788 ~~—— (iii) for any other type of contribution, that any portion of the contribution's benefit~~
 789 ~~inures to the school board office candidate.~~
 790 ~~—— (b) Each school board office candidate shall report to the chief election officer each~~
 791 ~~contribution and public service assistance within 30 days after the contribution or public~~
 792 ~~service assistance is received.] ←H~~

793 Section H→ [16] 15 ←H . Section 20A-11-1305 is amended to read:

794 **20A-11-1305. School board office candidate -- Failure to file statement --**

795 **Penalties.**

796 (1) (a) If a school board office candidate fails to file an interim report due before the
 797 regular primary election, on August 31, [and] or before the regular general election, the chief
 798 election officer shall, after making a reasonable attempt to discover if the report was timely
 799 filed:

800 (i) inform the county clerk and other appropriate election officials who:

801 (A) (I) shall, if practicable, remove the name of the candidate from the ballots before
 802 the ballots are delivered to voters; or

803 (II) shall, if removing the candidate's name from the ballot is not practicable, inform
804 the voters by any practicable method that the candidate has been disqualified and that votes
805 cast for candidate will not be counted; and

806 (B) may not count any votes for that candidate; and

807 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

808 (b) Any school board office candidate who fails to file timely a financial statement
809 required by ~~[this part]~~ Subsection 20A-11-1303(1)(b), (c), or (d) is disqualified and the vacancy
810 on the ballot may be filled as provided in Section 20A-1-501.

811 (c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is
812 not disqualified and the chief election officer may not impose a fine if:

813 (i) the candidate timely files the reports required by this section in accordance with
814 Section 20A-11-103;

815 (ii) those reports are completed, detailing accurately and completely the information
816 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
817 and

818 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
819 corrected in:

820 (A) an amended report; or

821 (B) the next scheduled report.

822 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate
823 for state school board, the lieutenant governor shall review each filed summary report to ensure
824 that:

825 (i) each state school board candidate that is required to file a summary report has filed
826 one; and

827 (ii) each summary report contains the information required by this part.

828 (b) If it appears that any state school board candidate has failed to file the summary
829 report required by law, if it appears that a filed summary report does not conform to the law, or
830 if the lieutenant governor has received a written complaint alleging a violation of the law or the
831 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
832 violation or receipt of a written complaint, notify the state school board candidate of the
833 violation or written complaint and direct the state school board candidate to file a summary

834 report correcting the problem.

835 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a
836 summary report within 14 days after receiving notice from the lieutenant governor under this
837 section.

838 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a
839 class B misdemeanor.

840 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
841 attorney general.

842 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county
843 clerk shall review each filed summary report to ensure that:

844 (i) each local school board candidate that is required to file a summary report has filed
845 one; and

846 (ii) each summary report contains the information required by this part.

847 (b) If it appears that any local school board candidate has failed to file the summary
848 report required by law, if it appears that a filed summary report does not conform to the law, or
849 if the county clerk has received a written complaint alleging a violation of the law or the falsity
850 of any summary report, the county clerk shall, within five days of discovery of a violation or
851 receipt of a written complaint, notify the local school board candidate of the violation or
852 written complaint and direct the local school board candidate to file a summary report
853 correcting the problem.

854 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a
855 summary report within 14 days after receiving notice from the county clerk under this section.

856 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a
857 class B misdemeanor.

858 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or
859 county attorney.

860 Section ~~H~~→ [17] 16 ←~~H~~ . Section **20A-11-1503** is amended to read:

861 **20A-11-1503. Criminal penalties -- Fines.**

862 (1) Within 30 days after a deadline for the filing of [any] a financial statement required
863 by this part, the lieutenant governor shall review each filed financial statement to ensure that:

864 (a) each labor organization that is required to file a financial statement has filed one;

865 and

866 (b) each financial statement contains the information required by this part.

867 (2) If it appears that any labor organization has failed to file [~~any~~] a financial statement,
868 if it appears that a filed financial statement does not conform to the law, or if the lieutenant
869 governor has received a written complaint alleging a violation of the law or the falsity of [~~any~~]
870 a financial statement, the lieutenant governor shall:

871 (a) impose a fine against the labor organization in accordance with Section
872 20A-11-1005; and

873 (b) within five days of discovery of a violation or receipt of a written complaint, notify
874 the labor organization of the violation or written complaint and direct the labor organization to
875 file a financial statement correcting the problem.

876 (3) (a) It is unlawful for any labor organization to fail to file or amend a financial
877 statement within 14 days after receiving notice from the lieutenant governor under this section.

878 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B
879 misdemeanor.

880 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
881 attorney general.

882 Section ~~H~~→ [18] 17 ←~~H~~ . Section 20A-12-303 is amended to read:

883 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

884 (1) The judge or the judge's personal campaign committee shall deposit each
885 contribution in one or more separate personal campaign accounts in a financial institution.

886 (2) The judge or the judge's personal campaign committee may not deposit or mingle
887 any contributions received into a personal or business account.

888 (3) (a) As used in this Subsection (3) and ~~H~~→ [~~Sections 20A-12-304 and~~]
888a **Section** ←~~H~~ 20A-12-305,

889 "received" means:

890 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
891 campaign committee;

892 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
893 instrument or check is negotiated; and

894 (iii) for any other type of contribution, that any portion of the contribution's benefit
895 inures to the judge.

896 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
897 governor each contribution within 30 days after the contribution is received.

898 Section ~~H~~→ [19] 18 ←~~H~~ . Section 20A-12-305 is amended to read:

899 **20A-12-305. Judicial retention election candidates -- Financial reporting**
900 **requirements -- Interim report.**

901 (1) The judge's personal campaign committee shall file an interim report with the
902 lieutenant governor before the close of [~~normal~~] regular office hours on the date seven days
903 before the regular general election date.

904 (2) Each interim report shall include the following information:

- 905 (a) a detailed listing of each contribution received since the last financial statement;
- 906 (b) for each nonmonetary contribution, the fair market value of the contribution;
- 907 (c) a detailed listing of each expenditure made since the last summary report;
- 908 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 909 (e) a net balance for the year consisting of all contributions since the last summary
910 report minus all expenditures since the last summary report.

911 (3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be
912 reported without separate detailed listings.

913 (b) Two or more contributions from the same source that have an aggregate total of
914 more than \$50 may not be reported in the aggregate, but shall be reported separately.

915 (4) In preparing each interim report, all contributions and expenditures shall be
916 reported as of five days before the required filing date of the report.

917 (5) A negotiable instrument or check received by a judge or the judge's personal
918 campaign committee more than five days before the required filing date of a report required by
919 this section shall be included in the interim report.

Legislative Review Note
as of 11-29-10 6:41 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 32, 2011 General Session

SHORT TITLE: Campaign and Financial Reporting Amendments

SPONSOR: Grover, K.

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will cost the Lt. Governor's Office \$24,700 from the General Fund for a half-time employee to monitor and enforce the bill's reporting requirements. The amount of any revenue to the General Fund will depend on the number of county party officers who fail to file the required interim reports.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue	\$0	\$0	\$0
Expenditure:			
General Fund	\$0	\$24,700	\$24,700
Total Expenditure	\$0	\$24,700	\$24,700
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$24,700)	(\$24,700)
Net Impact, General/Education Funds	\$0	(\$24,700)	(\$24,700)

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

A county political party officer who fails to file the required interim reports on time would be subject to a fine of \$100, which would be deposited in the General Fund.